IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO :17531 of 2004

Between:

Smt. K.Silvi, W/o K.Jagan Naik,

Aged about 45 years, Occ:Sarpanch,

Dasarlapalli Gram Panchayat,

Kandukur Mandal, Ranga Reddy District. ….PETITIONER

And

1. The Commissioner,

Panchayat Raj & Rural Employment,

Urdu Hall Lane, Himayathnagar,

Hyderabad.

2. The District Collector (Panchayat Raj Wing),

Ranga Reddy District at Hyderabad.

3. The District Panchayat Officer,

Ranga Reddy District, Khairatabad,

Hyderabad. …RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other order or appropriate writ and quash the proceedings of the 2nd respondent herein dated 10.8.2004 vide Proceedings No.B2/5249/2002-2 as confirmed by the 1st respondent in Proceedings No.232/CPR & RE/D1/2004, dated 13.9.2004.

Counsel for the Petitioner: MR. P.VENKAT RAM REDDY

Counsel for the Respondents:GP FOR PANCHAYAT RAJ

The Court at the stage of admission made the following ORDER:

The petitioner, who was elected as Sarpanch of Dasarlapalli Gram Panchayat, Kandukur Mandal, Ranga Reddy District, was served with a show cause notice dated 28-02-2004 issued by the second respondent-District Collector (Panchayat Raj Wing), Ranga Reddy district, by framing two charges namely:

"that she has drawn an amount of Rs.20,000/- under J.G.S.Y. funds and failed to produce connected records and therefore, misused the funds"

"that she has drawn an amount of Rs.31,500/- under G.P. Funds and failed to produce the connected records and therefore, she has misused the funds".

In view of the fact that the petitioner has not submitted any explanation to the said show cause notice, the second respondent through his proceedings No.B2/5249/02, dated 10-08-2004 removed her from the post of Sarpanch of

Dasarlapalli Gram Panchayat with a direction to handover complete charge, properties and records of Gram Panchayat, Dasarlapalli to the Upa-Sarpanch on 15-09-2004 and necessary notification of her removal was also notified.

Aggrieved by the said proceedings, the petitioner carried the matter in appeal before the first respondent-Commissioner, Panchayat Raj & Rural Employment, Hyderabad. The Adovcate, who appeared for the petitioner, argued before the first respondent that the petitioner being an uneducated could not offer her explanation and requested to stay the removal proceedings for a period of two months enabling her to produce the records to show that the amounts were used for the welfare activities and has not misappropriated the same. In view of the submission made by the Advocate appeared for the petitioner, the first respondent granted one week time for the appellant to produce the records and called upon the third respondent-District Panchayat Officer, Ranga Reddy District, to verify whether the records submitted to the audit or not and the matter was adjourned to 10-09-2004. On the said date, as the third respondent has not specifically verified whether the records were available with the auditor or not, the matter was adjourned to 11-09-2004. On the next day, the Advocate for the petitioner present and the third respondent, who was present, before the first respondent submitted a report with regard to the non-availability of records with the audit officer and letter of the audit officer shows that he has never taken any records nor conducted any audit from 2001-2002 to up-to-date. In view of the same, the Advocate requested one more month time to submit the records. The same was not acceded by the first respondent (appellate authority). Since the petitioner failed to produce the records in spite of giving time to examine the correctness of the charge, the first respondent dismissed the appeal on 13-09-2004. Questioning the legality and validity of the said order, the petitioner preferred the present writ petition before this Court.

Learned counsel for the petitioner contends that the petitioner being an illiterate lady, the entire records were maintained by the Upa-Sarpanch and members only and therefore, removal her from the office is illegal.

The petitioner offered the explanation before the first respondent that the records were available with the audit officer and sought time to produce the same. The same were not produced by the petitioner, which clearly discloses that no records were maintained by the petitioner for the amounts withdrawn by her as mentioned in the charges levelled against her.

In view of the same, I see no infirmity in the order of removal passed by the second respondent as confirmed by the first respondent warranting interference of this Court under Article 226 of the Constitution of India. Therefore, the writ petition fails and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

17th SEPTEMBER, 2004.

Kvni

To

1. The Commissioner,

Panchayat Raj & Rural Employment,

Urdu Hall Lane, Himayathnagar,

Hyderabad.

2. The District Collector (Panchayat Raj Wing),

Ranga Reddy District at Hyderabad.

3. The District Panchayat Officer,

Ranga Reddy District, Khairatabad,

Hyderabad.

4 Two CCs to the Government Pleader for Panchayat Raj, A.P. High Court Buildings, Hyderabad (OUT)

5 Two CD copies.